

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Tyganda Gilmore,	)	C/A No. 1:14-3402-JFA-SVH
	)	
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
Gloria Gilmore, Mother; Nadeed Alston, Aunt;	)	
Ward Ed. Wilson; R. Jones from Virginia,	)	
Muslim or Blood; C. Mason, Washington,	)	
D.C. and M. Crawford, from Washington,	)	
D.C., Muslim or Blood,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, Tyganda Gilmore, brings this action pursuant to 42 U.S.C. § 1983 contending that his Aunt, Mother, and other inmates violated his constitutional rights by attempting to have him murdered at the Bureau of Prisons. The Magistrate Judge assigned to this action<sup>1</sup> has construed it as one under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 392 (1971).

The Magistrate Judge has prepared a Report and Recommendation wherein she suggests that the court should dismiss this action for insufficient factual allegations and the

---

<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

fact that private conduct is not actionable in a *Bivens* action. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.


The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 27, 2014. The plaintiff filed an objection memorandum which this court has carefully reviewed and finds to be without merit. Accordingly, the objections are overruled.

The Magistrate Judge correctly notes that defendants Gilmore and Alston (plaintiff's Mother and Aunt) are private citizens and purely private conduct is not actionable in a *Bivens* action. Likewise, defendants Jones, Mason and Crawford appear to be inmates and do not appear to have the authority to act under color of federal law.

After a careful review of the record, the applicable law, the plaintiff's objections, and the Report and Recommendation, the court finds that the Magistrate Judge's recommendation is proper and adopts and incorporates it herein by reference. Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 10, 2014  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge